
IN THE
United States Circuit Court
of Appeals

FOR THE NINTH CIRCUIT

CHIN HING,

Appellant,

vs.

HENRY M. WHITE, as Commis-
sioner of Immigration, at the
Port of Seattle, Washington, for
the United States Government,
Appellee.

No. 2651

IN RE THE APPLICATION OF CHIN HING
FOR A WRIT OF HABEAS CORPUS

Petition for Rehearing

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F. D. Monckton,
Clerk.

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TO THE HONORABLE UNITED STATES
CIRCUIT COURT OF APPEALS FOR THE
NINTH CIRCUIT:

In this case now comes CHIN HING, Appel-
lant in the above entitled cause, and alleges and

shows to this Honorable Court that the opinion and decree made and rendered herein, in the cause aforesaid, and filed with the Clerk of said Court on the 7th day of August, A. D., 1916, is erroneous and contrary to law and justice for the following reasons, to-wit:

I.

Said opinion and decree does not cover the principal issues raised in Appellant's brief, but leaves them virtually the same as prior to the hearing on said case.

II.

The Court erred in conceding "the lack of authority of the Solicitor of the Department of Labor to act in the case under the circumstances stated," and failing to admit or grant, at the same time, the logical and necessary conclusions to be drawn from that concession.

III.

The Court further erred in admitting that "the manifest legal result is that the appeal remained

pending before the Secretary of Labor and undisposed of," and then refusing to support its own admission of fact.

IV.

The Court erred in holding that the approval of the Secretary of Labor, under the circumstances, quieted the issues raised.

V.

The Court further erred in that it assumed legality where such an assumption does not exist.

VI.

The Court further erred in presupposing the legality of certain alleged evidence submitted to the Secretary of Labor.

VII.

The Court further erred in that it failed, neglected or refused to consider and rule upon Appellant's contention that "he had not had a fair and impartial trial before the Inspector in charge of Immigration in Seattle, Washington," as set forth

in his amended petition for the writ of habeas corpus (see p. 20 of the Record).

VIII.

The Court further erred in that it failed, neglected or refused to consider and rule upon Appellant's contention that "there is no evidence in the records to sustain the Department's Exclusion and Deportation Order," as set forth in his amended petition for the writ of habeas corpus (see p. 20 of the Record).

IX.

The Court further erred in that it left unsettled, certain and several questions that became issues vital to Appellant's interests and welfare by reason of the action of the Respondent in this case.

X.

The Court erred in holding that the petitioner was without right and was not entitled to be represented by counsel before the Acting Commissioner of Immigration or the lawful acting Secretary of Labor.

XI.

The Court erred in holding that the petitioner was without right to have counsel appear before the Commissioner General of Immigration or the lawful Secretary of Labor, to orally argue the appeal.

XII.

The Court erred in holding that the petitioner was without right to present new evidence in support of his appeal.

XIII.

The Court further erred in that it issued an order and decree which, in itself, is a denial of Appellant's rights accorded him under the provisions of the Constitution of the United States; is not based upon that full and complete consideration that the nature of the case demands; and does not at all settle or quiet the issues brought before this Honorable Court for adjudication.

For and because of the reasons herein set forth, Appellant contends that he is entitled to a rehearing herein and on a consideration of his said cause

for the administration of justice within the premises and upon the merits thereof.

And for which he will ever pray.

JOHN J. SULLIVAN and

ADAM BEELER,

Attorneys for Petitioner and Appellant.

John J. Sullivan hereby certifies that he is an attorney at law, duly qualified and admitted to practice his profession before this Honorable Court; that he is one of the attorneys of record for the above named petitioner, Chin Hing; that in his judgment the foregoing petition for rehearing is well founded and that it is not interposed for delay.
